

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT OF

Group Art Unit: 2859

Jimenez et al.

Examiner: Tania C. Courson

Appln. No.: 09/852,051

Atty. Ref.: 81427-278455

Filed: May 10, 2001

Title: STRAIGHT EDGE

* * * * *

DECLARATION UNDER 37 CFR 1.132

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22312-1450

Sir:

1. We, the below signed declarants, hereby declare and state that the commercial embodiment of the invention disclosed and claimed in the above-identified patent application was awarded a Bronze Industrial Design Excellence Award (IDEA) in 2002 by The Industrial Designers Society of America. A copy of the Award certificate is attached as Exhibit A. A copy of sections of the Fall 2002 Industrial Designers Society of America quarterly magazine *Innovation* is attached as Exhibit B. Exhibit B includes the description of the award process (p. 20), the jury that selected the winners of the IDEA awards (pp. 23-24), the photo in the magazine showing the commercial embodiment of the subject invention (p. 213 – No. 60), and the statement by the Industrial Designers Society of America explaining the basis for the award (p. 213, No. 60).

2. Attached as Exhibit C is a Stanley news release regarding the Award and the publication of the award winners in *Business Week* magazine.

3. The Industrial Designers Society of America explains the basis for the award (Exhibit B, p. 213, No. 60) as follows: "The Stanley MaxStick improves upon the standard yardstick. Clamped to a surface or gripped by the center rib it can be used as a guide for an electric saw or knife blade."

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4. The photo of the commercial embodiment of the subject invention shown in the Fall 2002 Industrial Designers Society of America quarterly magazine *Innovation* (Exhibit B, p. 213, No. 60) in connection with the Award embodies a guiding device, comprising: an elongated finger-resting surface; an elongated, upstanding section projecting upwardly from the finger-resting surface, an elongated scale-supporting section coupled to and extending along the upstanding section with the upstanding section being positioned between the scale-supporting section and the finger-resting surface, the scale-supporting section being inclined with respect to a guiding device supporting surface; and an elongated first scale made of metal and having a lower surface and an upper surface, the lower surface being rigidly and unreleasably attached to the scale-supporting section and the upper surface having first indicia to indicate predetermined lengths along the first scale, and the finger-resting surface permitting fingers of a user gripping the guiding device to be positioned on the finger-resting surface while being protected from an implement by the upstanding section during movement of the implement along the guiding device adjacent the first scale, and wherein the finger-resting surface is substantially flat, and wherein the finger-resting surface, the upstanding section, and the scale supporting section are integrally formed as a unitary, one-piece element, and wherein the upstanding section is a wall having a first side facing the first scale and a second side facing the finger-resting surface, with the first side being inclined with respect to the scale-supporting section, and wherein the guiding device has a generally T-shaped cross-section, and wherein the upstanding section has a closed free end that contains no upwardly projecting openings, and further comprising a substantially flat contact surface positioned beneath the finger-resting surface, the upstanding section, and the scale supporting section to permit smooth application of the guiding device on the working surface.

5. The photo of the commercial embodiment of the subject invention shown in the Fall 2002 Industrial Designers Society of America quarterly magazine *Innovation* (Exhibit B, p. 213, No. 60) in connection with the Award also embodies a guiding device, comprising: an elongated, first portion having a finger-resting surface and a bottom surface opposite to the finger-resting surface; an elongated, second portion extending along the first portion, the second portion having an upstanding section and an inclined scale-supporting section, the upstanding section projecting upwardly from the finger-resting surface and having an uppermost free end, the

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upstanding section being positioned between the scale-supporting section and the first portions, the first and second portions having a generally T-shaped cross-section; and an elongated first scale having a lower surface rigidly and unreleasably attached to the scale-supporting section, an upper surface having first indicia to indicate predetermined lengths along the first scale, an innermost edge positioned closest to the free end of the upstanding section, and an outermost edge remote from the innermost edge, the bottom surface of the first portion being configured to be placed against a substantially flat working surface, and the upper surface of the first scale being inclined with respect to the working surface such that the innermost edge of the first scale is further from the working surface than the outermost edge of the first scale, and the finger-resting surface permitting fingers of a user gripping the guiding device to be positioned on the finger-resting surface while being protected from an implement by the upstanding section during movement of the implement along the guiding device, adjacent the first scale, and wherein each of the finger-resting surface and the first bottom surface of the first portion is substantially flat, and the finger-resting surface is substantially parallel to the first bottom surface, and wherein the first portion and the second portion are integrally formed as a unitary, one-piece element, and wherein the first scale is metal, and wherein the upstanding section is a wall having a first side facing the first scale and a second side facing the finger-resting surface, with the first side being inclined with respect to the scale-supporting section, and wherein the upstanding section includes means for gripping the upstanding section by fingers of a user of the guiding device.

6. The photo of the commercial embodiment of the subject invention shown in the Fall 2002 Industrial Designers Society of America quarterly magazine *Innovation* (Exhibit B, p. 213, No. 60) in connection with the Award also embodies a guiding device, comprising: an elongated finger-resting surface; an elongated upstanding section projecting upwardly from the finger-resting surface; an elongated scale-supporting section coupled to and extending along the upstanding section with the upstanding section being positioned between the scale-supporting section and the finger-resting surface, the scale-supporting section being inclined with respect to a guiding device supporting surface; and an elongated first scale having a lower surface and an upper surface, the lower surface being rigidly and unreleasably attached to the scale-supporting section and the upper surface having first indicia to

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indicate predetermined lengths along the first scale, and the finger-resting surface permitting fingers of a user gripping the guiding device to be positioned on the finger-resting surface while being protected from an implement by the upstanding section during movement of the implement along the guiding device adjacent the first scale, and wherein the upstanding section has a closed free end that contains no upwardly projecting openings.

7. Each of the below signed declarants hereby declares that all statements made herein of each declarants' own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent.

Respectfully submitted,

Signature

Date Signed



11/07/03

Eduardo Jimenez



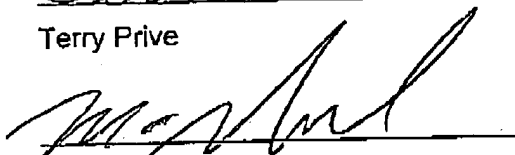
11/13/03

Dan Seymour



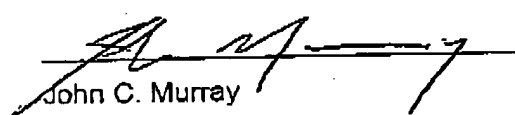
11/6/03

Terry Prive



11/6/03

Miguel Nistal



11/6/03

John C. Murray

Attachment: Exhibits A, B, and C.

Nov-26-00

14:53

From-PILLSBURY WINTHROP

703-905-2500

T-425

P.011/021

F-509

EXHIBIT A

INDUSTRIAL DESIGN EXCELLENCE AWARDS



Presented by the International Design Council

Consumer Products

STANLEY MAX HICK 18/3/24

Growth in Design: IDSA, John Howard and Eduardo J. Jimenez
IDSA at The Stanley Works

The Stanley Works

A handwritten signature in dark ink, appearing to read 'John Howard', located in the bottom left corner of the document.

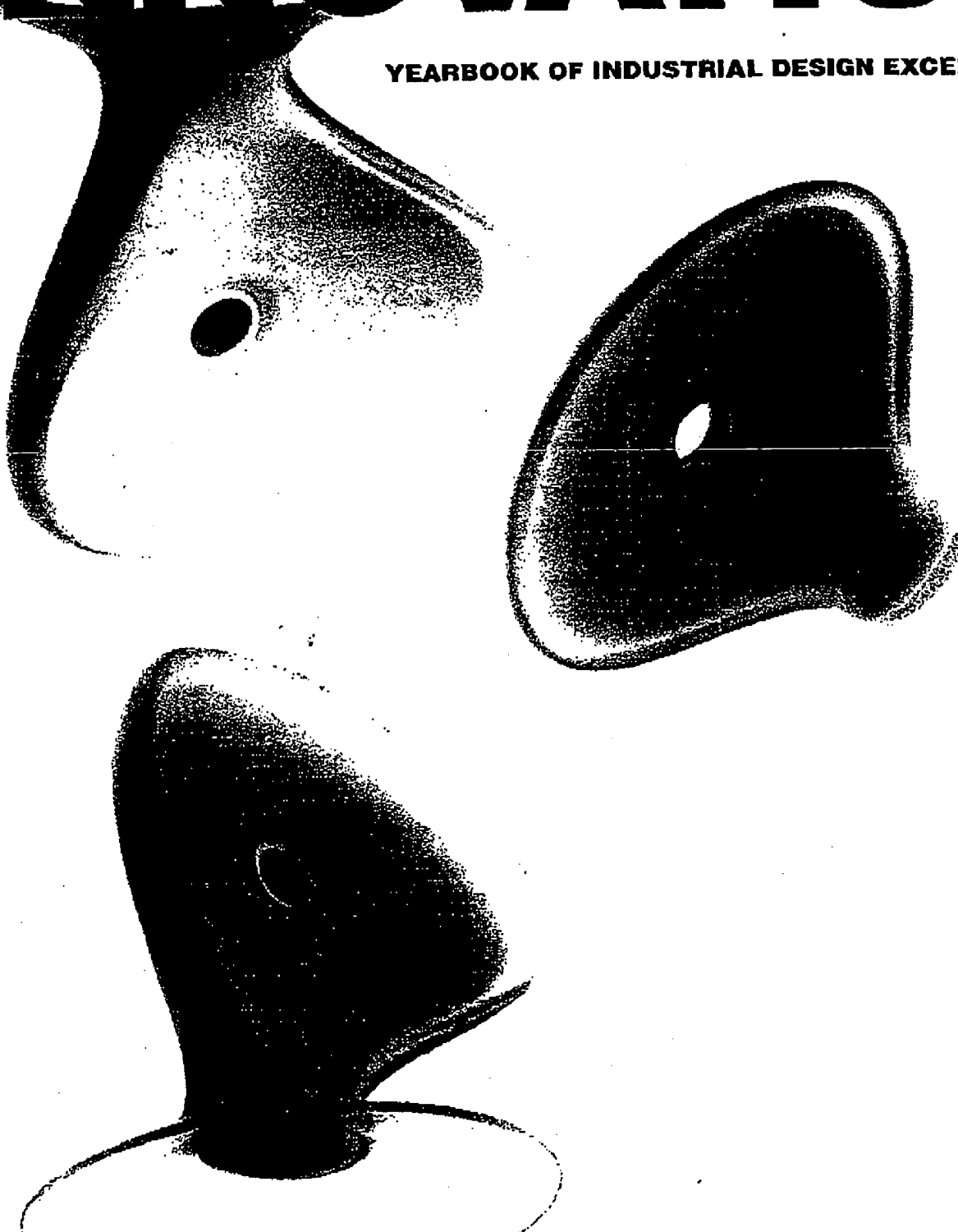
A handwritten signature in dark ink, appearing to read 'Eduardo J. Jimenez', located in the bottom right corner of the document.

EXHIBIT B

QUARTERLY OF THE INDUSTRIAL DESIGNERS SOCIETY OF AMERICA **FALL 2002**

INNOVATION

YEARBOOK OF INDUSTRIAL DESIGN EXCELLENCE



YEARBOOK OF INDUSTRIAL DESIGN EXCELLENCE

- [illegible]

GOLD IDEA WINNERS

BUSINESS + INDUSTRIAL EQUIPMENT

- 2) **Florida Attorney General's Office**
- 3) **New Holland & Company
Online Auctions**
- 4) **Florida Press Photo
Business Model Study**
- 5) **New Social Web Community
Study**

COMPUTER EQUIPMENT

10. Water Annular Soil Sails
Taylor (1948)
15. Water Annular Soil Sails
Taylor (1948)
25. Water Annular Soil Sails
Taylor (1948)
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Taylor (1948)

CONSUMER PRODUCTS

50. **Wasserschlamm**
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Fall issue (Yearbook) . . . \$35 ea.

Cover: Gold IDEA winning OXO Suction Cup Bathroom Accessories. Photo: Scott Henderson, IDSA. Story on p. 85.

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YEARBOOK OF INDUSTRIAL DESIGN EXCELLENCE

IDEA2002

RAISING THE BAR

Good design is more than aesthetics. It's more than innovation. It's more than meeting the needs of the consumer. It's putting it all together to make a product that is truly special. This year's IDEAs honor some truly special designs.

From new car designs to household and medical equipment, the 174 best and hottest designs were awarded the coveted IDEA: 41 entries received IDEA Gold, 60 entries received Silver awards and 73 won Bronze awards. Some of the award-winning designs look to the future, finding new ways to reshape their categories. As in the past such designs are found in the computer and medical industry, but this year's winners also are destined to change the look of our bathrooms, retail environments and workplaces. Other winners look to the past, reaching back into their heritage to offer a dramatic revival of a classic design.

IDEA's presence in the international community continues to grow; this year's entries included 171 foreign entries from 16 countries. In addition to the US, awards were given to entries from Canada, Denmark, France, Germany, Hong Kong, Ireland, Italy, Japan, Korea, Malaysia, Northern Ireland, Switzerland, Taiwan, The Netherlands, Turkey and the United Kingdom.

Jurors were particularly impressed with the move to pure, clean geometry of the winning entries and the sheer functionality of some of the products. "These winning designs were face-changing designs, functional, hit the specific target audience and were designed with the

sound principles that our members demand," said Jury Chair Chuck Jones, FIDSA. "Not all Gold winners are the sleekest and slickest designs." Juror Andy Diaz Hope, IDSA, added. "We looked at all aspects of an entry to gauge its looks and functionality before we even consider it for an award. The product has to do its function or create a needed functionality better than any of its predecessors. Any product that won, essentially raised the bar of excellence for that category."

The jurors lauded this year's entries, noting several trends. Products are shifting to a softer, user-friendly design, inviting the consumer to pick up and use them, and away from a gadget syndrome. At the same time features are becoming configurable for more than one use.

Sixteen jurors were given the daunting task of selecting this year's best. The judging criteria relate to five areas of industrial design excellence: design innovation, benefit to the user, benefit to the client/business, ecological responsibility and appropriate aesthetics and appeal. These are the qualities of a special product, environment or idea. "The jury had vast knowledge of all the categories and was stringent in its deliberations and choices," said Jones. "Anyone who won a 2002 IDEA should feel very good about it." ●

IDEA2002 Jury Chair, Chuck Jones, FIDSA, is vice president for Global Consumer Design at Whirlpool in Benton Harbor, MI. He controls an annual budget in excess of \$100 million and is responsible for design, product planning, consumer understanding and strategy on a global basis. He bridges design and business and has used this talent to significantly advance the strategic role of design at the top levels of corporate decision making. He is founder and chair of IDSA's Corporate Design Consortium.

Jack Beduhn, FIDSA, recently retired as director, Human Factors Engineering and Design at NCR Corporation in San Diego, where he was responsible for design excellence. He has lectured at top design schools and universities and sponsored numerous student design projects. He was recently elected to the IDSA Academy of Fellows for his distinguished service to the Society and the profession as a whole.

Carla Blackman, IDSA, is principal and founder of Design Interface, Inc., a design studio that creates computer generated product, package, graphic and Web design in Westlake, OH. Her clients include Tyco/Grinnell, Hitachi, Marconi International and Corning. She is also an adjunct instructor in ergonomics/ design and marketing/design at the Cleveland Institute of Art.

Andy Diaz Hope, IDSA, is director of Interactive Environments for MOTO Development Group, Inc., in San Francisco. Prior to joining MOTO, Diaz Hope co-founded aWarehouse, a multidisciplinary design and art collective in San Francisco, and established commotion design, a small design studio focused on designing innovative furniture. He has received numerous awards for his furniture, environments and interactive work.

Niels Diffrient, FIDSA, heads his own practice as an award-winning consultant and designer in the commercial furniture field. His furniture designs have been produced by Knoll International, Sunar Hauserman, Howe Furniture Company, KI International and Humanscale Corp. He holds more than 36 mechanical and design patents on furniture alone. He has taught design at UCLA and Yale University School of Architecture.

Betsy Goodrich, IDSA, a principal and vice president of design for MANTA Product Development, Cambridge, MA, has been involved in product development for the past 18 years in both consulting and corporate design. Prior to MANTA, she worked for Design Continuum, Inc. Her experience includes medical instrumentation, consumer products, sporting goods and business equipment. Her work includes user research and product testing.

Tom Gale, IDSA, retired in 2000 from his position as a member of the Board of Management of DaimlerChrysler AG and executive vice president of Product Development and Design at Chrysler Group. He is a member of the Board of Trustees of the Center for Creative Studies and is a charter member of the National Advisory Council of the Michigan State University College of Arts and Letters.

John Herlitz, IDSA, retired from his position as senior vice president-design, special assignment for DaimlerChrysler Corp. He is an advisory member of the Board of the Detroit Institute of Ophthalmology, past president of the Chrysler Management Club and a member of the Corporate Council for the Interlochen Center for the Arts. In his spare time, he offers guidance to the industrial design programs at several schools as they continually evolve.

IDSA2002 SURV

Meg Hetfield, IDSA, designs commercial lighting fixtures for Lightolier, the architectural/decorative group. She has been designing high-tech products for over 15 years, starting with products and concepts for Digital Equipment Corp. For five years she was a program manager and senior designer at Symbol Technologies, Inc., focusing on wearable computers and handheld products.

Dr. Chung Kyung-won, IDSA, a design pioneer in his home country of Korea, is president and CEO of the Korea Institute of Design Promotion. He is currently on leave from his position as chairman/professor of the Department of Industrial Design of the Korean Advanced Institute of Science and Technology. He was awarded the Presidential Award for Design Contribution in the 1st Korea National Design Awards.

Pascal Malassigné, FIDSA, serves as full professor of design at the Milwaukee Institute of Art and Design in Milwaukee. He has an unbroken record of service to IDSA for over 20 years. Grants awarded to him from various US agencies have resulted in the development of prone carts, wheelchairs and other assistive devices for the disabled. He has delivered major conference presentations on universal design worldwide.

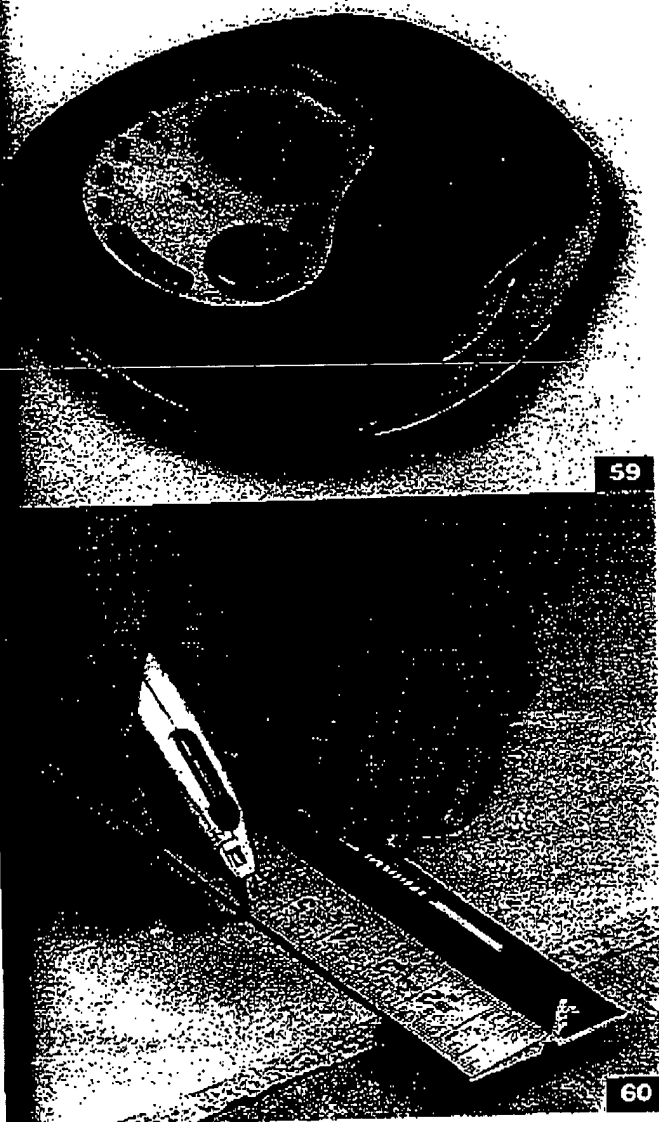
Jordan Nollman, IDSA, graduated from Rochester Institute of Technology with a BFA in industrial design in 1998. He has worked for a number of firms including Eleven, Proteus, Manta, Altitude, Octane Design, New Balance, IDEO, Ziba Boston and Razorfish. He recently started Sprout Studios with current clients include Norwood PPI, Fidelity Investments, Coors Light, Back of the Hill Productions, JLB Enterprises, Marketsoft, Octane Design, Modabnity and Felix Brown.

Frank Nuovo, IDSA, is vice president and chief designer for Nokia Design, where he is responsible for on-going development of Nokia design excellence by orchestrating teams of designers from around the world. Prior to joining Nokia over a decade ago, he provided design and design direction as part of the international design consultancy Designworks USA/BMW.

Ravi Sawhney, IDSA, is founder, president and CEO of RKS Design in Thousand Oaks, CA. He has helped countless companies build brand icons through great product design. His clients include Hewlett-Packard, Intel, Fossil, Canon, Sega, Amana, Panavision and JBL Audio. A MoMA featured designer, he has designed more than 1,000 products and won numerous awards.

Louise St. Pierre, IDSA, teaches and co-chairs the Industrial Design program at the University of Washington. Prior to this she taught industrial design at the Emily Carr College of Art and Design in Vancouver, Canada. Her extensive professional experience as a practicing interdisciplinary designer has earned her national and international awards in both exhibit and product design.

Stephen Wilcox, Ph.D., FIDSA, is principal and founder of Design Science, a product research and human factors consulting group in Philadelphia. He has over 15 years of experience in product development for clients such as General Electric, Raytheon, Johnson & Johnson and Polaroid. He is chair of the Human Factors Professional Interest Section of IDSA and has taught human factors and research methods at Carnegie Mellon University. ●



BRONZE

SILVER

55. RADIANT COOKTOP LINE

Radiant Cooktop Line's ceramic/glass material, "ceran," transfers heat from double- and triple-ring electrical elements embedded beneath the surface, providing a larger diameter of heat concentration. The product combines easily with Wolf's gas cooktop line. *By Jerome C. Caruso, IDSA, of Jerome Caruso Design Inc. for Wolf Appliance Co. LLC.*

56. RADIO SHACK DELUXE DIGITAL TIRE GAUGE

Ergonomically designed and hitting a good price point, the Radio Shack Deluxe Digital Tire Gauge improves over the traditional analog tire gauge with more accurate tire-pressure readings and an easy-to-read LED display. *By Peter Byar, Zoey A. Juhng, IDSA, and Andrew Weiman of Brassiergroup, Inc.; and Steve Petrucelli, Mark Cappiello, Mark Kuskovsky and Bob Van Zeyl of Measurement Specialties, Inc., for Measurement Specialties.*

57. SARIS B.A.T. RACK

The Saris B.A.T. Rack eliminates sway with an adjustable hitch that uses a swing arm. It can be moved to fit snugly against most bike frames or even skis. *By Joseph J. Schachiner and Neil Amundsen of Leisure Product Solutions; and Todd Lassanske of Graber Products for Graber Products.*

58. SMART ASH

Dovetailing into the increasingly smoke-free European market, the Smart Ash system is a functional two-part plastic container with room for a pack of cigarettes and an airtight tray to place up to six extinguished butts. *By Roland Iten of outside in, Switzerland; and Tom Hutchinson of Medway Plastics for Smart Ash Ltd., Switzerland.*

59. SOUL "ASYM" DMP-002

The Asym is a versatile, Zen-inspired digital media player for multiple formats of music files, traditional CDs and discs that users have burned. The interface promotes ease of navigation with a clear hierarchy of functionality. *By Gadl Amit, Josh Morenstein and Chris Lenart of newdeal/design, LLC, for AV Concepts, Hong Kong.*

60. STANLEY MAXSTICK 48" & 24"

The Stanley MaxStick improves upon the standard yardstick. Clamped to a surface or gripped by the center rib it can be used as a guide for an electric saw or knife blade. *By Gary E. van Deursen, IDSA, John Howard and Eduardo J. Jimenez, IDSA, of The Stanley Works.*

Nov-26-00

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EXHIBIT C



Stanley To Receive 2002 IDEA Award

I am delighted to inform you that Stanley has won an IDEA 2002, the Industrial Design Excellence Award from Business Week magazine and the Industrial Designers Society of America (The Academy Awards of the design world). This year a bronze IDEA award will be received for the Stanley MaxStick, 24" and 48" measuring tools. It was selected from more than one thousand one hundred and sixteen new products reviewed from around the world.

This award continues the consistent winning streak with the seventh IDEA award received by Stanley in the 4 1/2 years since the creation of the Innovation & Design team.

Business Week magazine will publish a list of all of the winners in the June 8, 2002 issue, which will reach newsstands on June 28th. We do not know which winners they will chose to feature, but they will all be on the Business Week and the IDSA's web sites.

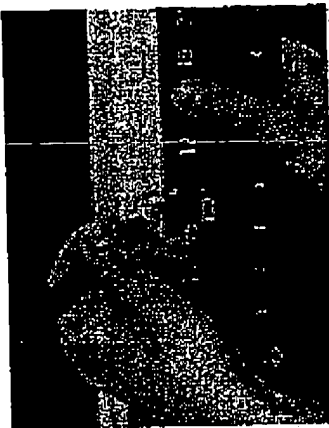
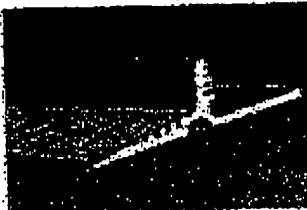
Please share the knowledge of the award with those that need to know. Keep in mind however that Business Week holds the exclusive right to publish the story first. No public announcement can be made until June 28th. Congratulations to the members of the MaxStick design, engineering, and marketing team: E. Jimenez, J. Howard, G. vanDeursen, D. Deming, J. Murray, M. Nistal, and T. Prive.

Stanley ...Innovation & Design...that Works!

Gary vanDeursen,
Corporate Vice President,
Innovation & Design



Business Week/IDSA
2002 IDEA Award Winner



1999 Winner

1999 Winner

2000 Winner

2000 Winner

2000 Winner

2001 Winner